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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PETER CASTLEMAN and SLOANE
CASTLEMAN, individually and as husband
and wife

Plaintiffs,

vs.

ELLEN CONDREN CROWLEY,
Defendant

Case No.: 3:21-cv-00523-MMD-CLB

**PLAINTIFF'S MOTION FOR LEAVE TO
FILE UNDER SEAL**

Plaintiffs seek an order sealing Exhibit 1 to Peter Castleman's Declaration in Support of Motion for Preliminary Injunction and Exhibit 1 to Mr. Brust's Declaration in Support of Motion for Preliminary Injunction. Exhibit 1 to Mr. Castleman's declaration contains numerous emails from Defendant to Mr. Castleman threatening to publish false and salacious stories about Plaintiffs. Exhibit 1 to Mr. Brust's declaration contains an email from Defendant to Mr. Brust and Plaintiffs' other counsel, and contains similar salacious allegations. Preventing publication of the stories contained in the emails is the exact subject and the preliminary injunction, and this entire case in general. Plaintiffs believe that once the Court reviews the emails (which are submitted, but not filed herewith), the Court will recognize the necessity to seal the emails.

This motion is based on the points and authorities set forth below, the pleadings

1 on file in this matter, and any other information/documents the Court wishes to consider.

2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 Plaintiffs recognize the presumption in favor of access to court records. However,
 4 because every court has inherent, supervisory power over its own records and files,
 5 access may be denied where the court recognizes that court-filed documents may be
 6 used for improper purposes, such as to gratify public spite or promote public scandal. *Nixon*
 7 *v. Warner Communications, Inc.*, 435 US 589, 598, 98 S.Ct. 1306, 1312; *Hagestad v.*
 8 *Tragesser* 49 F3d 1430; 1433-1434 (9th Cir. 1995).

9 To limit access to judicial records, a party seeking to seal judicial records must
 10 articulate compelling reasons to justify non-disclosure, such as to prevent use of the
 11 record to gratify spite, permit public scandal, or release libelous statements. *Kamakana*
 12 *v. City of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Here, the documents for which
 13 Plaintiffs seek protection fall squarely in this category.

14 Plaintiffs can demonstrate disclosure of Defendant's threatening emails will result
 15 in serious injury. Mr. Castleman's business is largely dependent on his reputation.
 16 Further, the Castlemans' reputations will be irreparably harmed if the false allegations
 17 contained in Defendant's threatening emails are publicly exposed. Plaintiffs submit
 18 herewith, directly to the Court without filing, what would be Exhibit 1 to Mr. Castleman's
 19 declaration and Mr. Brust's declaration. As the Court will see, the allegations and threats
 20 contained in the emails are false and salacious. The damage they will cause Plaintiffs is
 21 self-evident. Publication of the emails, even through unsealed public filings with this
 22 Court, will expose Plaintiffs to significant reputational harm. On the other hand,
 23 Defendant will not be harmed in any way by having her threatening emails sealed in this
 24 matter.

25 ...

26 ...

27 ...

28 ...

1 For the foregoing reasons, Plaintiffs respectfully request leave to file Exhibit 1 to
2 Mr. Castleman's Declaration in Support of Motion for Preliminary Injunction and Exhibit 1
3 to Mr. Brust's Declaration in Support of Motion for Preliminary Injunction under seal.
4

5 **AFFIRMATION**
6 **Pursuant to NRS 239B.030**

7 The undersigned does hereby affirm that this document does not contain the
8 Social Security Number of any person.

9 DATED this 23rd day of March, 2022.

10 ROBISON, SHARP, SULLIVAN & BRUST
11 A Professional Corporation
12 71 Washington Street
Reno, Nevada 89503

13 BY: /s/ Clayton P. Brust
14 CLAYTON P. BRUST, ESQ.
15 BRETT W. PILLING, ESQ.
16 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused a true copy of the **PLAINTIFF'S MOTION FOR LEAVE TO FILE UNDER SEAL** to be served on all parties to this action by:

- placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.
- personal delivery/hand delivery
- emailing an attached Adobe Acrobat PDF version of the document to the email addresses below/facsimile (fax) and/or E-Filing pursuant to Section IV of the District of Nevada Electronic Filing Procedures
- Federal Express/UPS or other overnight delivery
- Messenger Service

Ellen Condren
124 Bell Tower Court
Chagrin Falls, OH 44022
ellencondren@gmail.com

Dated this 23rd day of March, 2022.

/s/ Isabella Esguerra
Employee of Robison, Sharp, Sullivan & Brust